UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____	)	
DARNELL R. COOPER,	)	
	)	Civil Action No. 04-40141-MLW
Petitioner,	)	
	)	
v.	)	
	)	
DAVID L. WINN, Warden,	)	
	)	
Respondent.	)	
_____	)	

NOTICE OF RECENT DECISION

The respondent, David L. Winn, Warden of the Federal Medical Center, Devens, hereby

provides notice to the Court of the decision of the United States Court of Appeals for the Seventh

Circuit in White v. Scibana, No. 04-2010 (7th Cir. Dec. 2, 2004), a copy of which is attached. In

pertinent part, the Seventh Circuit, in reversing the decision in White v. Scibana, 314 F. Supp.2d

834 (W.D. Wisc. 2004), held that:

> We must conclude that 18 U.S.C. § 3624 is ambiguous in that it does not clearly
> indicate whether the fifty-four days' credit for good conduct for each year of the
> prisoner's "term of imprisonment" is based on the sentence imposed or the time
> served in prison. We defer to the Bureau's reasonable interpretation of the statute,
> which awards the credit for each year served in prison rather than each year of the
> sentence imposed.

White, No. 04-2010, slip op. at 9-10. The Seventh Circuit's decision in White is persuasive

authority that supports and is consistent with the argument advanced in the Memorandum in

Support of Respondent's Motion to Dismiss, at pages 12-13.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mark T. Quinlivan
MARK T. QUINLIVAN
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United States Attorney's Office
John Joseph Moakley U.S. Courthouse
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Boston, MA 02210
617-748-3606

Dated: December 3, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing Notice of Recent Decision, by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Darnell R. Cooper
23846-050
FMC - Devens
42 Patton Drive
Ayer, MA 01432

This 3rd day of December 2004.

  /s/ Mark T. Quinlivan
MARK T. QUINLIVAN
Assistant United States Attorney